

**Department of Legislative Services**  
Maryland General Assembly  
2005 Session

**FISCAL AND POLICY NOTE**

Senate Bill 407 (Senator Giannetti)  
Judicial Proceedings

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**Criminal Law - Reckless Endangerment - Use of a Motor Vehicle**

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This bill repeals an exclusion of conduct regarding use of a motor vehicle from the crime of reckless endangerment, thereby providing that a person may not recklessly engage in conduct that creates a substantial risk of death or serious physical injury to another involving the use of a motor vehicle.

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**Fiscal Summary**

**State Effect:** Potential minimal increase in general fund revenues and expenditures due to the bill's applicable penalty provisions.

**Local Effect:** Potential minimal increase in revenues and expenditures due to the bill's applicable penalty provisions.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** A person may not recklessly: (1) engage in conduct that creates a substantial risk of death or serious physical injury to another; however, this does not apply to conduct involving a motor vehicle, or the manufacture, production, or sale of a product or commodity; or (2) discharge a firearm from a motor vehicle in a manner that creates a substantial risk of death or serious physical injury to another; however, this does not apply to a law enforcement officer or security guard performing an official duty, or an individual acting in defense of a violent crime, as specified in statute.

“Motor vehicle” means a vehicle that is self-propelled or propelled by electric power from overhead electric wires and is not operated on rails. Motor vehicle does not include a moped or motor scooter.

“Serious physical injury” means a physical injury that creates a substantial risk of death or causes permanent or protracted serious disfigurement, loss or impairment of the function of any bodily member or organ.

A person who violates the prohibition against reckless endangerment is guilty of a misdemeanor and is subject to imprisonment not exceeding five years, or a maximum fine of \$5,000, or both.

Under the Maryland Vehicle Law, a person is guilty of reckless driving if the person drives a motor vehicle in wanton or willful disregard for the safety of persons or property, or in a manner that indicates a wanton or willful disregard for the safety of persons or property. A person who violates this provision is subject to a maximum fine of \$1,000 and the Motor Vehicle Administration is required to assess six points against the driver’s license. The current fine assessed by the District Court is \$575.

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### **Additional Information**

**Prior Introductions:** This bill is a reintroduction of SB 540 of the 2004 session, which was given an unfavorable report by the Judicial Proceedings Committee. Another identical bill, HB 814, was heard in the Judiciary Committee, but was then withdrawn.

**Cross File:** None designated, although HB 645 is identical.

**Information Source(s):** Judiciary (Administrative Office of the Courts), Maryland Department of Transportation, Department of Public Safety and Correctional Services, Department of Legislative Services

**Fiscal Note History:** First Reader - March 3, 2005  
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Analysis by: Karen D. Morgan

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510